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'Things' Are Not What They Seem: On Persons, Things, Slaves and the New Abolitionist Movement

'Human trafficking' emerged as a focus of political and media concern in the 1990s against a backdrop of rapid changes to an established global economic and political order. For governmental actors, 'trafficking' was part of a much wider problem of criminal involvement in an array of illegal markets and forms of movement. It was therefore bundled up with phenomena such as people smuggling, money laundering, and drug and gun running, and addressed within the United Nations *Convention on Transnational Organized Crime* (2000), and its three additional protocols: the *Protocol against the Smuggling of Migrants by Land, Sea and Air*; and the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition*, as well as the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. The definition of 'trafficking' in the latter protocol is extremely loose. 'Trafficking' is defined not as a single, one-off event, but a coercive process that takes place over time (recruitment, transportation and control) and that is organised – in a variety of different ways - for purposes of exploitation. 'Exploitation' is undefined, and the nature and degree of force that will constitute 'coercion' unspecified.

Despite, or perhaps because of, the vagueness of the term, political and media interest in 'trafficking' helped to support a resurgence of the anti-slavery movement in Western liberal countries, for although slavery is noted as just one possible outcome of 'trafficking' in the Trafficking Protocol, antislavery activists claimed 'trafficking' as a form of 'modern-day slavery'. Talk of 'trafficking' as an immense and growing global social problem has thus been translated into talk of slavery as a significant global problem, and a series of new non-governmental organizations (NGOs) have sprung up since the millennium with a mission to combat it. This includes Free the Slaves, founded in 2000, Stop the Traffik, founded in 2006, Not For Sale, founded in 2007, CNN Freedom Project, founded in 2011, and the Walk Free Foundation, founded in 2012, and many more. These 'new abolitionist' organisations draw upon the iconography of the original European and American abolitionist movement of the eighteenth and nineteenth centuries in their campaign materials, and also borrow some of their campaigning tactics. They urge members of the public to participate in a movement to combat 'human trafficking' and 'modern slavery' by boycotting 'slave made' goods, for instance, and call on them to raise money to support anti-slavery organisations and projects, as well as to sign petitions and otherwise press their governments to act against the problem of 'modern slavery' both domestically and globally.

There is one very notable contrast between the old and new abolitionism, however. Historically, antislavery activists had to pit themselves against strong opposition from established political and economic powers, and in some cases, even broke the law in order to protect fugitive slaves from being returned to their masters, or to operate an 'underground railway' by means of which people could escape slavery. Today, the relationship between new abolitionist organisations and political and business elites in Europe, North America and also Australia is extremely cordial. The Walk Free Foundation was founded by mining magnate Andrew Forrest, Australia's richest man, and endorsed by the then Prime Minister, Tony Abbott, as well as

political and business leaders from across the Western world, for example. Indeed, far from resisting the calls of new abolitionist NGOs, governments of the Western world have eagerly boarded today's anti-slavery train. In the United States, January was designated 'National Slavery and Human Trafficking Prevention Month' from 2012, and in February 2016, President Obama signed a bill that ended an exemption in the US Tariff Act of 1930 which had allowed 'goods made by slaves to be imported if consumer demand cannot be met without them'. In 2013, the Australian Parliament passed two Acts with a view to enhancing the country's legislative frameworks around human trafficking and slavery, and in 2015, the Modern Slavery Act, which consolidated existing trafficking and slavery offences, passed into law in England and Wales.¹

All such measures have been introduced with much fanfare trumpeting the deep revulsion felt by government ministers for 'the scourge of modern-day slavery', their absolute commitment to combatting it, and their gratitude to new abolitionist NGOs for, in Malcolm Turnbull's words, educating the populace 'about slavery and providing ways in which they can take action'.² And far from questioning the nature and meaning of governments' commitment to the cause, or the measures they are enacting in the name of fighting 'trafficking' and 'slavery', new abolitionist organisations generally return the compliments. So, for example, Nick Grono, head of the Freedom Fund, a private donor fund dedicated to ending slavery, recently welcomed unreservedly the following words from British Prime Minister Theresa May:

These crimes must be stopped and the victims of modern slavery must go free. This is the great human rights issue of our time, and as Prime Minister I am determined that we will make it a national and international mission to rid our world of this barbaric evil.³

But in a world where chattel slavery has already been outlawed everywhere, so that nobody, anywhere, is legally ascribed the status of 'slave', what exactly do new abolitionist campaigners and their political supporters mean by the term 'modern slavery', and how are 'slaves' and 'slaveholders' to be identified? This article explores new abolitionist efforts to define 'slavery', observing that they follow a tradition of liberal thought in which the singular wrong of slavery is held to be that it converts *persons* into *things*,⁴ an assumption that has also informed one strand of the historical literature on slavery in the Atlantic World. It then considers another strand of slavery scholarship, as well as some historical evidence, that alerts us to serious flaws in accounts that frame slavery through reference to the conceptual opposition of persons and things. In reality, Atlantic World slaves had a 'bifurcated existence' as both 'things' and 'persons', as Saidiya Hartman puts it.⁵ The article asks what closer attention to the history of the slave's double character might teach us about serious and heavy restraints on freedom in the contemporary world.

Defining Slavery?

We live in a highly unequal world, and the lot of vast swathes of its population is grim. According to the United Nations, 780 million people do not have access to clean water, and 2.5 billion do not have access to adequate sanitation; the World Food Programme estimates that 795 million do not have enough food to lead an

active, healthy life; the World Health Organization states that under-five mortality rate in low-income countries was approximately 11 times the average rate in high-income countries in 2015; the number of people forcibly displaced is at an all time high, 59.5 million at the end of 2014, compared to 37.5 million ten years previously, the UNHCR reports.⁶ To this we might add that vast numbers of the world's women live in countries where they have no legal protection against marital rape and no access to divorce; vast numbers of lives are blighted or cut short by inequalities structured along lines of race or caste; vast numbers of workers, especially migrant workers, lack legal rights and protections as workers; vast numbers of migrants, especially internal migrants in India and China and undocumented migrants everywhere in the world, are denied basic social rights, and many hundreds of thousands of them are deprived of their liberty through immigration detention.⁷ This by no means completes the catalogue of human misery in the world around us.

Contemporary anti-slavery actors draw a strong distinction between what they regard as more general forms of misery, drudgery, and oppression, and what they describe as *real* slavery. So, for example, Free the Slaves states that: 'Free the Slaves believes that all labor abuses and human rights abuses are wrong. Our mission, however, is ending slavery'. Such a mission presupposes that 'modern slavery' constitutes a uniquely intolerable moral wrong, and that it can be separated from other social and global ills for purposes of practical intervention, as well as for purposes of measurement. How? At the level of rhetoric, the problem is addressed through a focus on particularly shocking and sensational individual cases of exploitation, abuse and violence, often those which have been discovered and prosecuted, and are therefore well documented. Books human trafficking and modern slavery typically open with an example in which the violence against an individual trapped as a domestic or brothel worker is so extreme as to suggest the perpetrator was actively motivated by a desire to obliterate and destroy the humanity of the victim. So, for instance, a recent book on human trafficking and slavery in America opens with the case of a twelve year-old Mexican girl, Maria, recruited into domestic work in Texas but then horrifically tortured for several months by her 'employer'.⁸ The violence in this case was so extreme (the child was chained, starved, raped, pepper-sprayed and forced to eat dog excrement) as to suggest the perpetrator either could not see, or was actively motivated by a desire to obliterate and destroy, the humanity of her victim. By using such cases to introduce the topic of 'modern slavery', the authors make it very clear that they are not using the term to refer merely to grinding chores or workaday miseries, but something far, far worse, something akin to torture. 'I'm talking about real slavery', says Kevin Bales, co-founder of Free the Slaves and a key figure in the new abolitionist movement, 'This is not about lousy marriages, this is not about jobs that suck'.⁹

The use of dramatically brutal examples at the outset of campaigning books, articles and talks creates the impression that all those subsequently referred to as 'slaves' are subject to violence of a similarly extraordinary type and degree. However, the estimates of the scale of the problem provided by new abolitionist organizations are not exclusively based upon closely documented cases of this sort. Rather, they rely heavily on estimates of people believed to be affected by various categories that, for

purposes of quantification, are taken as proxies for slavery. The Walk Free Foundation recently published its third *Global Slavery Index* (GSI), for instance, announcing that there are currently some 45.8 million 'slaves' in the contemporary world. The index is compiled primarily by totting up estimates of the numbers of people thought to be affected by 'human trafficking', 'forced labour', 'bonded labour', 'worst forms of child labour', and 'forced and early marriage', for these are other names for 'slavery' in the contemporary world, according to Walk Free.

These categories all present their own problems of definition, not least because they open up difficult questions about where precisely the line is to be drawn between them, and associated phenomena. Exploitation and abuse ranges along a continuum. At what point on that continuum does labour become forced labour, or debt become debt slavery, or marriage become forced marriage, and so on? Few would wish to set the bar so high that only those subject to violence and abuse amounting to prolonged torture such as that suffered by Maria would be included, but how far should the bar be lowered? Those collecting data on phenomena such as 'bonded labour' or 'trafficking' do not all agree. Indeed, for a number of reasons, data produced by different agencies, in different countries, and for different reasons, are not necessarily comparable. Matters are further complicated by the fact that even in theory, the categories taken as proxies for slavery are not mutually exclusive (the same person could be counted as a 'victim of trafficking', subject to 'forced labour', a 'bonded labourer', and a child in a 'worst form of child labour', for example), so that totalling estimates of individuals affected by such phenomena is liable to involve double or even triple or quadruple counting.

Leaving aside technical questions about the reliability of the GSI, Walk Free's ambition to count and agitate on behalf of 'modern slaves' raises more fundamental questions about who qualifies for the appellation 'slave' and why. According to Walk Free and other new abolitionist NGOs, though 'slavery' takes many forms and 'slaves' are found in very different contexts and settings, there is a common denominator: the people they call slaves are trapped in appalling situations from which they 'cannot walk away'. This formula is a distillation of the definition of 'slavery' offered by Kevin Bales, who holds that although slavery has taken many forms throughout human history, it is possible to parse out three essential, universal features of slavery that are found in all its different manifestations across time and geography. Slavery, Bales says, is characterised first by involuntariness – the slave did not choose and cannot escape her situation; second, by severe exploitation; and third, by violence or its threat, including psychological violence. Attention to these three core features allows us to draw the line between *true* slavery and other, more ordinary ills and injustices, Bales argues, for it is only when individuals are 'controlled by violence through violence, the threat of violence, or psychological coercion, has lost free will and free movement, is exploited economically, and paid nothing beyond subsistence' that they become slaves.¹⁰ This boils down to being unable to 'walk away', which in effect amounts to becoming an object of ownership. Bales returns to the definition of slavery in the League of Nations' 1926 *Slavery Convention* as 'the status of a person over whom all or any of the rights attaching to ownership are exercised', and fleshes it out by stating that 'powers attaching to the right of

ownership' imply the right to possess, and that possession is demonstrated by control, normally exclusive control, and by:

The right to use; the right to manage; the right to income... [and] the right to capital, which refers to the right to dispose of the possession, by transfer, by consumption, or by destruction. These 'instances of ownership' – control, use, management, and profit – may be regarded as the central rights of ownership. It is their presence and exercise that can be applied and tested within a situation, such as slavery, where actual legal possession is not permitted.¹¹

The League of Nations' definition is thus said to apply not only in *de jure* situations in which a person is legally owned by another, but also in *de facto* situations where legal ownership is prohibited, but the powers attaching to the right of ownership are exercised nonetheless. If one person exercises complete powers of control over another, they in effect make them a chattel. Thus, the 2012 *Bellagio-Harvard Guidelines on the Legal Parameters of Slavery*, authored by Bales and others in the Research Network on the Legal Parameters of Slavery, states that ownership implies a background relation of control, control is the power attaching to the right of ownership known as possession, and: 'Possession is foundational to an understanding of the legal definition of slavery, even when the State does not support a property right in respect of persons. To determine, in law, a case of slavery, one must look for possession'.¹² And in essence, possession 'supposes control over a *person* by another such as a person might control a *thing*'.¹³ For today's antislavery activists, like many of their forebears in the Euro-American antislavery movement of the eighteenth and nineteenth centuries, it is this reduction of persons to things that both defines slavery and makes it uniquely wrong. Human beings are 'Not for Sale', as the name of David Batstone's antislavery NGO proclaims.

These efforts to pin down the essential characteristics and peculiar wrongs of slavery certainly fit with commonsense understandings of enslavement in contemporary liberal democratic societies, and with much British and US historiography of transatlantic slavery. As Nicholas Rinehart observes, 'It has become something of a truism, or a conclusion to be taken for granted... that... in the Atlantic slave trade and the internal slave trades of the New World... *persons* were made into *things*. This... often expressed itself in terms of the "commodification" or "dehumanization" of enslaved people'.¹⁴ However, the emphasis on slavery as the reduction of persons to things does not actually sit easily with historical evidence on slavery in the Atlantic world.

Slavery and De Facto Freedoms in the Atlantic World

If involuntariness (in the sense of being unable to walk away), severe labour exploitation, and violence or its threat constituted the defining and essential elements of slavery, we would expect to find that every single person legally ascribed the status of slave experienced those elements throughout the entirety of her or his enslavement. These three features certainly may appear to broadly capture the situation of field slaves on large plantations of the American South, Brazil, and the West Indies in the nineteenth century, but there were significant variations between colonial slave regimes in North America, Latin America and the

Caribbean in terms of legal and social practices surrounding slavery,¹⁵ as well as major chronological and geographical variations in terms of the history of plantation slavery in the Atlantic world. At different times and in different places, significant numbers of the enslaved population were in the hands of small-scale farmers or homesteaders,¹⁶ and in some contexts this implied working unsupervised for much of the time. Significant numbers of enslaved people also lived and worked in cities and towns where they performed much of the skilled, as well as the unskilled, work, and again, were not necessarily always or continuously under the close watch of the owner or owner's agent.¹⁷ Many slaves were hired out, and a few highly skilled slaves were even in effect leased to themselves, being expected to seek out their own paid work, manage their own subsistence, and pay a percentage of their wages to their owner.

No matter what the period or context, it was rarely in slaveholders' interests to keep every slave securely shackled or weighted down by ball and chain. In order to fully exploit their labour power, they needed slaves to be able to move around and between plantations, farms and/or towns and cities. At many times and in many places, it was also advantageous to slaveholders to allow their slaves a certain amount of freedom of movement so that they could secure their own subsistence by hunting in woods or swamps, or labouring unsupervised on their own provision plots, or working for wages on Sundays and using their earnings to purchase necessities, for example. For this reason, even the mobility of slaves on large plantations was not always continuously and entirely restricted.¹⁸ Though limited, the freedom of mobility that was allowed the enslaved frequently provided possibilities for escape. And many thousands of slaves availed themselves of those opportunities, running away to live as maroons or making their way to freedom in Canada, Mexico, or elsewhere.¹⁹

The use of slaves as soldiers offers another case strikingly at odds with contemporary, commonsense ideas about slavery. Not only were some slaves armed to fight on the patriot side of the American Revolutionary war, but when the theatre of that war spread to the Caribbean, the British armed thousands of slaves to fight for them. Until 1807, the British West India Regiment, founded in 1795, relied heavily on slave conscripts, predominantly those newly transported from Africa, who were uniformed and armed and paid a wage. Slave-soldiers were certainly controlled by means of violence or its threat – punishments for attempts to escape or mutiny, and even for minor misdemeanours, were barbaric. But the same punishments were administered to non-slave soldiers. Equally troubling for those who take violent control as marking the line between slave and non-slave, slave-soldiers were sometimes deployed in actions to violently suppress revolts on the part of other slaves.²⁰

More generally, it was not uncommon for enslaved people to be entrusted with managerial roles in relation to other slaves, or even entire estates, and though most undertook supervisory roles on behalf of their owners, there were also some slaves who enjoyed *de facto* ownership of other slaves, of which more below.²¹ There were also some slaveholders who allowed certain favoured slaves to live as if they were free. In the French Caribbean, female slaves in particular sometimes managed to secure what Bernard Moitt describes as '*de facto* manumission' for themselves

and/or their children through sexual relationships with white men.²² Known as *libre de savane* or *libre de fait*, these were *de jure* slaves (their manumission was not authorized by the state and so had no legal basis) who were not in fact 'possessed' in the manner taken by the new abolitionists to be constitutive of slavery. If Bales, for example, is correct to that that slavery is defined by the presence and exercise of the central rights of ownership, which he defines as 'control, use, management, and profit', then some *de jure* slaves of the Atlantic World fall short of being 'slaves'.

However, whilst *de jure* slaves could experience certain *de facto* freedoms, the writings of freed and fugitive slaves, alongside other historical evidence, suggests that even the most privileged of the enslaved did not regard *de facto* freedom as equivalent to *de jure* freedom. Those who were *libre de fait* in the French Caribbean frequently made strenuous efforts to secure full legal manumission,²³ and they were not alone in this. The Petition of Ned Hyman and Elizabeth Hagans to the North Carolina General Assembly ²⁴in 1833 offers an insight into their motivations, as well as a particularly striking illustration of the complexities discussed thus far. Ned Hyman, an enslaved man, and Elizabeth Hagans, a free woman of colour, were married and had three children together. But in addition to being Hyman's wife, Hagans was also his legal owner. Hyman's original Master had died, and his executor had – at Hyman's request – sold him to Hagans. The two subsequently had 'the good fortune to accumulate an estate worth from five to six thousand dollars'. Some of that wealth was in money, land and live stock. But it was also in 'negroes'. Hyman was a *de jure* slave who exercised *de facto* powers of ownership over other *de jure* slaves.

Ned Hyman does not appear to have experienced any of the three conditions Bales identifies as forming the core of slavery. His petition suggests that he was not involuntarily bound to his owner. Given the fondness it expresses towards Elizabeth Hagans, it seems safe to assume that she did not control him by means of violence or its threat. Nor did she subject him to severe economic exploitation. Instead, they worked together to accumulate wealth, including by exploiting the labour of chattel slaves. Hyman seems to have lived as close a mimicry of free status as would be possible in a slave state, but he nonetheless went to the trouble and expense of petitioning for legal manumission. The right and title to the 'lands... live stock negroes' were vested in Hagans, and should she die, or experience a 'change in her feelings or disposition' towards him, he said, he 'might not only lose his whole estate but even that portion of freedom and happiness, which by the kindness of his wife he is now permitted to enjoy'. *De facto* freedom was precarious, and so a poor substitute for *de jure* freedom. Even at its most expansive, it could not liberate the slave from dependency on the *de jure* owner or disentangle their fates.

The less expansive *de facto* freedoms that, in theory, often made it possible to walk (or run) away from an owner were still more hollow. To act on those freedoms was to face risks emanating not only or necessarily from the physical power of the individual slaveholder (who may in fact have been relatively physically powerless – the elderly and disabled also owned slaves, for example) but also from the wider legal and social edifice that had been constructed to prevent slaves from choosing to grasp opportunities for escape. As a number of slave narratives reveal, the enslaved were walled into slavery by the fact they had nowhere and nothing to walk to, as

much as by physical chains, pens, cages and fences. Though many did flee to join strong and successful communities of maroons, or manage to escape the territory entirely, those who failed in the attempt faced torture and frequently mutilation. And even those who were successful almost all paid an immense price in the form of sacrificing all connection to family and loved ones left behind. Indeed, the latter operated as a powerful restraint even on those who could have escaped slavery without fear of recapture and punishment, as Edlie Wong's research on American slaves who accompanied their owners on their travels to 'free' Northern states shows. Slaves who were taken by their owners onto territory in which slavery was not legally recognised could legally assert their freedom (if the slave escaped to that territory under her own steam, the Fugitive Slave Act of 1850 required that she be returned to her owner). Knowing this, slaveholders wishing to travel North with slaves often made a point of selecting slaves with strong affective ties to children, partners or parents to accompany them, thereby reducing the likelihood that they would choose to claim their freedom.²⁵

The above considerations suggest that chattel slavery was not merely oppressive because it implied violence, severe labour exploitation, and an inability to walk away from an individual owner, but also because it was a legal, social and political status – given and policed by the state. 'Slave' was a status that enforced alienage, rendering any de facto freedom that might be enjoyed by an enslaved person insubstantial and vaporous. Something important is missing from new abolitionist understandings of slavery's defining features and peculiar injustice.

Persons and Things

It is true that in the Atlantic World the enslaved were legally constructed as objects of property, and a precise specification of their monetary worth could be made for purposes of market exchange, mortgaging, insurance, and the valuation of estates. At those moments of exchange and accounting, they were represented in the manner of 'things'.²⁶ This aspect of slavery has preoccupied many historians, as well as many abolitionists old and new, who interpret evidence on the representation of slaves as 'numbers' or 'pieces' in official commercial documents of the slave trade as evidence of the commodification and so dehumanization of the enslaved. But as Rinehart points out, we not only need to bear in mind that these new modes of representation were most commonly found in Anglo-American markets and did not necessarily feature 'in Iberians, Francophone, or even African contexts', but also to remember that the *representation* of the enslaved as abstracted 'things' is not equivalent to the *treatment* of the enslaved as if they were inanimate objects.²⁷ In the daily operation of the transatlantic slave trade and of slaveholding in slave societies, 'the horrific practices of starvation, torture, and other forms of "psychic and social" violence enacted upon slaves reveal a profound investment in and acknowledgment of the humanity of enslaved people by their enslavers', Rinehart argues. These practices would have been unnecessary if the representation of human beings as commodities did literally de-humanize them and transform them into mere objects or 'things'.²⁸

The enslaved remained human beings, despite being transacted as property, and in fact had a utility beyond that of material tools and non-human animals precisely because they were human.²⁹ Their humanity represented a problem as well as a

boon for slaveholders, however. Since the human will is inalienable, slaves had to be managed and controlled in such a way as to maximize the chances that they would subordinate their own will to that of their owners, and do their bidding. It is well known that violence, often extreme and sadistic, was one of the instruments deployed by slaveholders to terrify slaves into submission, but this could also provoke resistance, and Atlantic World slaveholders were, to varying degrees according to time and place as well as the individual slaveholder's circumstances, dependent on the state to enforce their power over slaves.

Giving the enslaved a legal personality was central to the way in which slave states met this challenge. Unlike the livestock to which they were routinely compared, slaves in the Atlantic world were arrested, tried, and punished for committing outlawed acts. And criminalized acts included any and all forms of refusal to submit to the authority of a master or any white person, any act of resistance against their violence, no matter how arbitrary or extreme, as well as any effort to escape.³⁰ Indeed, under the US Fugitive Slave Act 1850, the runaway slave was liable, as a *person*, for the crime of stealing herself, as a *thing*.³¹ At the heart of slavery as a system of domination was a body of law that gave the enslaved their 'double character' as both things *and* persons.³² 'The body of the slave is both treated juridically as one who can be held legally culpable for crimes but is also an object to be owned by others', as Brenna Bhandar puts it.³³

This seeming contradiction was a necessary and inescapable feature of slavery, reflecting slaveholders' contradictory interests in the enslaved. On the one hand, they wished to exploit the enslaved as humans, with all that this implied in terms of the capacity to reason, plan, react, collaborate, create, and move. But on the other hand, they wished to prevent the enslaved from using these same qualities to escape, resist, or act collectively to ameliorate or transform the conditions under which they were constructed as objects of commodity exchange and property ownership. Slaveholders required a legal apparatus that ensured slaves were both immobile (lacking the ability to run away, and the capacity to alter their status and circumstances by dint of their own will and effort, in other words to be spatially and socially fixed) *and* mobile (such that it was possible to circulate slaves in markets and so that slaves could move around at the behest of their owners). It was also a necessary feature of slavery because legal ownership did not, and could not, actually allow slaveholders to literally appropriate the self and will of the slave and directly *cause* them act. Rather, as human beings endowed with will, the enslaved had to actively decide to whether or not to comply with orders given by their legal owners, and such compliance could ultimately only be assured by fabricating the enslaved as 'things' with a legal personality.³⁴

Slaveholders and proslavery thinkers in the Atlantic world often sought to explain the compliance of the vast majority of the enslaved as a reflection of their dependency upon the Masters who housed, fed, and 'cared' for them, and there is evidence showing that in some cases, enslaved people's choices were influenced by ideas about duty, obligation, loyalty, and honour (in other words, by their understandings of the relationship between master and slave as specifically *human*).³⁵ However, even if we allow that there were cases in which individual slaves felt an attachment to individual slaveholders, their compliance must still be

understood in the context of the wider system of terror that constrained the choices of the enslaved as a whole. Slave codes and the punishments they provided made the alternative to compliance truly horrifying, and in this respect too, slave law was critically concerned with slaves as subjects, not objects. The threat of torture cannot induce non-human property to bend itself to the owner's will. It follows that the control exercised by slaveholders over slaves was *not* control over them 'such as a person might control a thing', as new abolitionist commentators have it. No special measures are required to prevent silver cutlery from escaping the drawer in which it is kept, to terrorize gold bullion into surrendering its market value, or to prevent cows from learning to read, lest they happen upon animal rights literature and rise up against dairy farmers. In the case of slave property, by contrast, slaveholders' enjoyment of their rights in the enslaved as property was only possible and sustainable with the support of a legal edifice that managed and contained the enslaved as *persons*.

Economic and political life, or market and state, are mutually imbricated, David Graeber observes. The idea that they are separate is precisely that, an idea: 'States created markets. Markets require states. Neither could continue without the other, at least, in anything like the forms we would recognize today'.³⁶ This is also true of slave markets. The economic value of slaves both on the auction block and in processes of productive and reproductive labour (including the value derived from being able to use violence and torture to extract their labour and obedience, and from being able to simultaneously permit and prevent their movement) was minted and underwritten by the political authority of the state. Atlantic World slavery rested on a legal, social and political machinery, or rather upon various different legal, social and political machineries, that gave the enslaved their double life as persons and things. At base, these machineries worked by excluding the enslaved from the cover of what, at that time, constituted socially recognized personhood, by producing and reproducing them (usually also their children) as Outsiders and sub-*persons*.³⁷

Slavery was more than just a relationship between slaveholder and slave. It also designated, in Stephen Best and Saidiya Hartman's words, 'a relation to law, state, and sovereign power; a condition of disfigured personhood, civil incapacitation, and bare life'.³⁸ One central question for anyone interested in what the history of transatlantic slavery can teach us about relations of exploitation and heavy, often violent, restraints on freedom in the contemporary world should therefore be, 'Who today stands in similar relation to law, state, and sovereign power?'

The Disfiguration of Personhood Past and Present

If slavery is approached as a condition of disfigured personhood, civil incapacitation and bare life (as opposed to a condition in which an individual is subject to any or all of the powers of ownership), a rather different picture of its living remnants and echoes in the contemporary world emerges to that drawn by organizations like Walk Free. To begin with, it focuses our attention on race, and very specific forms of anti-black racism in the Americas and Europe. One social and political outcome of the transatlantic slave trade was that 'slavery became indelibly linked throughout the Western Hemisphere with people of African descent... the dishonor, humiliation and bestialization that had universally been associated with chattel slavery now became

fused with Negritude'.³⁹ Though the history of that fusion is more geographically and chronologically varied than sometimes assumed,⁴⁰ it ultimately gave freedom, rights and citizenship an explicitly racial character, reserving them exclusively for those racialised as white. By the same token, as Bhandar argues, 'the fact of blackness, the story of "negrosity" in the law' was one in which those racialized as black were 'caught in the impossible position of being object of circulation and subject who is only recognized as such by the law in matters criminal'.⁴¹

This did not end with the abolition of slavery. Blackness continued and continues to simultaneously cast doubt on fitness for freedom and citizenship, and to implicitly or explicitly suggest criminality in the post-abolition world. The US context has received most scholarly attention. As Dennis Childs points out, though widely regarded as the 'grandest emancipatory gesture in U.S. history', the 13th Amendment to the United States Constitution that abolished chattel slavery in 1865 contained 'a loophole of state repression'. It read: "'Neither slavery nor involuntary servitude, *except as a punishment for crime whereof the party shall have been duly convicted*, shall exist within the United States, or any place subject to their jurisdiction'".⁴² This loophole was significant in the immediate aftermath of abolition, for amongst the measures that worked to strip newly emancipated slaves and their descendants of the rights to which their presumptive 'freedom' entitled them was the southern convict lease system, which 'transferred symbolically significant numbers of black people from the prison of slavery to the slavery of prison'.⁴³

That loophole continues to be significant today, in the age of mass incarceration. America's prison population had reached 2.3 million by 2009, two-thirds of whom were 'people of colour'.⁴⁴ Approximately half a million of these people are serving time for drug offences, mostly involving minor infractions of drug laws, such as possession of small quantities of marijuana,⁴⁵ and almost five million people more 'are under direct state supervision through the parole and probation systems'.⁴⁶ As Colin Dayan powerfully argues, these prisoners are stripped of the skin of civil personhood in ways redolent of slavery.⁴⁷ But since they are not 'owned' either de jure or de facto by another individual, they are not present in the roll call of 'modern slaves' that new abolitionist campaigners wish to emancipate. The 'afterlife' of transatlantic slavery in the form of a system of racial domination that marks freedom as white and disfigures black personhood, devaluing and imperilling black lives, remains in play in the US and beyond.⁴⁸ Indeed, police killings of black people, especially poor and young male black people, are even more numerous in Brazil than in the US;⁴⁹ there is 'greater disproportionality in the number of black people in prisons in the UK than in the United States'.⁵⁰ Though the complex and enduring interrelationship 'between the legal form of property and the racial... remains crucial to accounting for contemporary iterations of a globalized capital firmly rooted in histories of slavery and colonialism',⁵¹ it is entirely absent from new abolitionist analyses of 'modern slavery'.

The question of who today stands in a similar relation to law, state, and sovereign power as did de jure slaves historically also directs attention towards the many groups of migrants who are, to varying degrees, legally disabled and excluded from the full cover what constitutes socially recognised personhood in the territory on which they stand, or across which they move. Consider the many thousands of

people currently stuck in makeshift camps at European borders, having sought to move across borders without state sanction. If they manage to cross the Turkish border without being shot by border guards, or survive perilous voyages across the Mediterranean or Aegean seas, such migrants (including those fleeing wars or forms of persecution that are recognised as legitimate grounds for claiming asylum) increasingly find themselves living for months or even years in flimsy tents and makeshift shelters, with no protection from assault, robbery or trickery, no access to health care, education, or justice, no right to sanitation, employment or livelihood. They are treated as extraneous to and excluded from any political order and any society other than that which they can build amongst themselves. However, like slaves historically, they are attributed a form of 'negative personhood'.⁵² They continue to be held responsible for any criminalized acts they commit, even when it is necessary to invoke nineteenth century laws to criminalise them, as is the case for asylum seekers who have managed to walk through the Channel Tunnel to get the UK and who are being prosecuted under the 1861 Malicious Damage Act. In fact, at the point of destination as well as during periods of enforced immobility along the route, irregular migrants are increasingly criminalized for undertaking more or less any and all acts necessary to support life itself. To take employment or perform any kind of earning activity when illegally present on the state's territory is widely outlawed, with the UK 2016 Immigration Act creating a new criminal offence of "illegal working" as well as for driving whilst not legally present in the UK. Measures to prevent unauthorized migrants from renting housing have been strengthened, and banks and building societies are required to conduct periodic immigration checks in relation to account holders and report disqualified persons.⁵³

At the same time, immigration detention is being used ever more widely in Britain, the US and Australia, where detainees have fewer rights even than those caught up in the penal system. Immigration detainees do not feature in new abolitionist organizations' campaigns against 'modern slavery', yet they could be said to meet the criteria that these organizations state constitute 'slavery'. Detainees did not choose and cannot 'walk away' from the situation they are in, and they are under the potential and actual violent control of those who hold them.⁵⁴ Depriving non-citizens of their liberty is an activity that generates significant profits for the many private companies involved in the provision of 'security' services and the construction and management of immigration detention centres. In the UK, the management of detention centres (as well as prisons) is increasingly being outsourced to global private security companies, such as G4S, Serco, and Sodexo.⁵⁵ Without bodies to hold and process, there would be no profit for these private companies to secure, and since immigration detainees function as the raw materials of this 'labour process', they are arguably subject to 'severe economic exploitation'. Some immigration detainees are, in addition, subject to labour exploitation in the detention centre that holds them.⁵⁶ A 2014 Corporate Watch report suggests that employing detainees at these well below minimum wage rates, Serco, G4S, and others could have saved themselves more than £2.8 million.⁵⁷

Migrants frequently speak of feeling degraded, dehumanized, dishonoured by their experience of detention, and release from it rarely spells anything like freedom. Sometimes it implies deportation, usually a form of forced movement across

borders, and one that can have deadly results.⁵⁸ In the UK, immigration detainees are frequently released rather than deported, often due to the Home Office's inability to complete the administrative procedures necessary for removal. Axel Klein and Lucy Williams have carefully documented the ways in which former detainees are reduced to civil death and the bare life of physical survival. Drawing on Dayan's work, they observe that as with the laws of southern slave states that could simultaneously recognize slaves as willing selves as regards criminal culpability *and* as objects of property, former immigration detainees are affected by the disabling power 'inherent in a legal action that invents a personality only to exclude it'.⁵⁹

In the eyes of the new abolitionists, the economic value extracted from immigration detainees, the state-authorized restraints on irregular migrants' rights and freedoms, and the violence against them that is sponsored by liberal states, does not amount to 'modern slavery'. Yet unlike many of those who *are* regarded as 'slaves' by the new abolitionists, those who are immobilized and outlawed by immigration law very often do compare their own situation to that of enslavement. Echoing an antislavery rhetoric in which slavery was described as animalizing the enslaved,⁶⁰ the statement "We are not animals" repeatedly appears in migrants' protests against the conditions in which they are kept. In a recent open letter, six hundred asylum seekers held at the Manus Island Regional Processing Centre even called on the Australian Government to execute them rather than force them to continue indefinitely to experience 'gradual death' on the island.⁶¹ The previous week, those stranded on Greece's northern border with the Former Yugoslav Republic of Macedonia by the introduction of a policy granting passage only to people from Syria, Iraq and Afghanistan, also staged hunger strikes and other protests. A group of Bangladeshi men involved in the protest had slogans written in red paint on their bared chests – "Shoot us or save us", read one.⁶² The migrants calling on liberal democratic states to either recognise them as full and rights-bearing persons or kill them as wild beasts remind us that, between the seemingly sharp contrast of pre-modern despots and slaveholders who 'let live and made die', and modern states that 'make live and let die', lies the sovereign power to impose living death on certain categories of human being. This is a power that our modern, liberal, 'humane' governments are continuing to exercise.⁶³ It is not one that is challenged by new abolitionist campaigners, who only countenance the possibility that people can be 'slaves' of the state where the state concerned is a totalitarian one, such as North Korea.

To all of this it should be added that migrants who enter the territory with the authorization of the state are also often denied fully socially recognised personhood. Indeed, the very terms on which migrants are permitted to enter and work, or marry, often require them to relinquish claims to rights and freedoms that are regarded as fundamental to the free citizen. In many countries, sponsorship is required for certain types of visa to be granted, and the migrant is thereby made dependent on the sponsor for her or his right to remain on the territory. This severely compromises migrants' freedom to 'walk away' since quitting an employer, or separating from or divorcing a spouse, for example, will have serious implications for their immigration status.⁶⁴ These restrictions on freedom actively produce vulnerability to control by other persons. The balance of power is heavily weighted

towards the sponsor, whether employer or spouse, under immigration rules that present migrants with a choice between remaining with their sponsor, no matter how exploitative or violent, or 'walking away', when quitting either means being returned home unable to repay debts taken on to fund migration, or becoming 'illegal' and so vulnerable to all the forms of violence and exclusion noted above.

The Configuration of 'Things' Past and Present

The fact that Atlantic World slaves could be simultaneously represented as commodities and controlled and subjugated as human beings should remind us that commodities (or 'things') do not exist as commodities (or 'things'), any more than 'persons' simply exist as 'persons' – they have to be socially imagined and politically constructed. As Igor Kopytoff's classic discussion of the cultural biography of things highlighted, commoditization is a social process through which something (whether material object, animal, human capacity, or whole human being) comes to be conceptually marked as exchangeable or saleable for money as opposed to 'incomparable, unique, singular and therefore not exchangeable for anything else'.⁶⁵ What is regarded in this light varies across cultures and through history – hence in modern, liberal societies (some) human beings were regarded as saleable commodities two hundred years ago, but are not so regarded in the same societies today. More importantly for the purposes of this essay, however, the commodity status of a given 'thing' in a given society and historical period can also change over time as it is invested with, or divested of, other social meanings. A gold ring may be a commodity when purchased, but becomes singular and non-exchangeable when used as a wedding ring; a puppy may be a commodity when advertised for sale by a dog breeder, but ceases to be imagined as such once it becomes a family pet. And as Kopytoff noted, the 'career' of a slave involved a process of 'commoditization, followed by increased singularization (or decommoditization) in the new setting, with the possibility of later recommoditization'.⁶⁶

Rinehart has flagged up the importance of Kopytoff's emphasis on commodity-as-process for historians of slavery, arguing that this model 'is best suited to our field of inquiry because it reflects the lived experience of enslavement itself', allowing us to better 'understand how "slavery" varied so widely across time and space' as well as to grasp the processual nature of enslavement for individual slaves – 'not just in the sense of bondage and freedom, life and death, being and nonbeing... [but also] with respect to the multiple slaveries endured by any single man or woman throughout a lifetime'.⁶⁷ A processual approach to commodification also allows us to identify certain similarities between slavery and wage labour that are important for the analysis of some of the contemporary phenomena discussed under the heading of 'modern slavery'.

The human capacity to labour is conceptually marked as a commodity in modern capitalist societies in the sense that we speak of 'labour markets' and workers selling their labour to employers. In liberal thought, the wage labour exchange is entirely unlike slavery, since it is said to entail a voluntary covenant by which the worker contracts to alienate the property she holds in her own labour in exchange for an agreed sum. However, as Marx observed, labour power exists only in the living self of the worker, it cannot be separated from the person who sells it.⁶⁸ The worker can go to market to sell her labour as though it is a commodity, and yet must also 'be

present when the commodity she has parted with is consumed by its purchaser'.⁶⁹ The contract between buyer and seller in the labour market is therefore unlike the contracts that facilitate most other market exchanges. It involves a transfer of powers over persons, not the exchange of one 'thing' (money) for another (labour), since when employers purchase workers' power to labour, what they wish to obtain is the right to direct workers to do their bidding for the period of the contract. Thus, though worker and employer meet as equals in the market, each bearing her or his commodity and voluntarily agreeing to a contractual exchange, the two parties then leave the marketplace and move to the private arena of the workplace, what Marx called the 'hidden abode of production'.⁷⁰ In this location, wage labour – which was free whilst circulating in the market – becomes unfree in the sense that, 'Once labour-power becomes the property of capitalists, the labourers are subject to discipline and supervision'.⁷¹ Or following Kopytoff's remarks on the career of a slave, we might say that the career of the worker involves a process of commoditization in the labour market, followed by decommodification in the workplace, with the possibility of later recommodification.

The fact that employment, unlike Atlantic World slavery, begins with a voluntary contract is no guarantee of equality or rights in the private sphere of production. In principle, it licenses employers to exercise (albeit temporarily) the right of command in relation to the worker that the slaveholder enjoys in relation to the slave – 'In the factory code, the capitalist formulates his autocratic power over his workers like a private legislator, and purely as an emanation of his own will', as Marx put it.⁷² A new abolitionist might object that the slaveholder's power of command differs because it is unlimited both temporally and physically – the slave cannot walk away. It is certainly true that contract *can* impose strong limits on employers' freedom to treat workers as they please. But it is equally true that labour contracts *can* bestow almost unlimited powers on employers, and for extremely protracted periods of time. This is amply demonstrated by the history of European indentured servants to the early American colonies, whose contracts of indenture generally bound them to a master for periods of between 3 and 7 years. Though many entered these contracts voluntarily, they could not quit and their independent mobility was criminalized for the duration.⁷³ To this we might add that the trade in supplying servants was, like the transatlantic slave trade, a profitable business, with private shipping firms arranging the movement of indentured servants (also convicts) and selling them to the highest bidder in America, 'with the monies received going to defray the shippers' transportation expenses'.⁷⁴ Moreover, 'a remarkably fluid internal market for bound workers' developed in America, with servants being rented out and sold on to new masters and mistresses.⁷⁵

Or consider Masters and Servants' legislation, which in England was not repealed until 1875 and which came to cover factory workers as well as agricultural and domestic workers. It made worker absence and desertion, as well as insubordination, unsatisfactory work, and damaging property, punishable by imprisonment 'usually for three months, with perpetual re-imprisonment possible if the servant refused to go back to work'.⁷⁶ The coding of employment relations as master and servant, Yan Hairong notes, 'stressed that the employer-master has legally sanctioned property in the service of the servant-employee... the contract has

built-in legal relations of subjection'.⁷⁷ Few workers in the eighteenth and nineteenth centuries could freely walk away from a master, and not simply because to do so might imply destitution and starvation, but also because they were legally bound to him. This points to another problem with the new abolitionist definition of 'slavery', namely that applied retrospectively, it would make the vast bulk of wage labourers in industrializing Europe and North America 'modern slaves'. And 'the regime of contract rules we refer to as modern free labor... must be seen as a product of labor's struggle to improve its position in a market society',⁷⁸ not a product of anti-slavery activism.

Struggles over the kind of power relations that contract can legitimately initiate were connected to wider political struggles over the background structures of the social order that lead people to enter into labour contracts in the first place. Class struggle was not merely an effort to ensure that workers got paid for their backbreaking work, were protected from employer violence, and enjoyed the formal right to freely retract from labour contracts. It was also a struggle for social and economic rights - for freedom from dependency on the market, as well as from dependence on individual employers. The success of the labour movement's insistence that 'labour is not a commodity' and its calls for recognition and protection of the human worth of the worker as bearer of this commodified-non-commodity reached its pinnacle in the political settlement that became the norm in welfare capitalist states in the post-world-war-2 period. This settlement entailed state intervention in the market exchange processes of a capitalist economy by providing social security payments and public services that, to a greater or lesser degree, insulated individuals and families from complete dependence on the labour market for their survival.⁷⁹ Welfare states also penetrated the 'hidden abode' of production, intervening to moderate and monitor workplace relations and practices, adopting policies that afforded (some) workers certain forms of protection *in* employment as well as *from* the market and that eroded the employment-at-will rule.⁸⁰ The aim was to ensure the capitalist no longer enjoyed the liberty to formulate his autocratic power over his workers purely as an emanation of his own will, but was constrained by legislation that afforded workers' minimum labour rights and standards. This was a regime within which the human capacity to labour could be sold on a labour market without coming to look like a 'thing' over which the buyer could exercise powers of ownership.

This basic model of 'worker citizenship' was internationalised by the International Labour Organization, and adopted in many developing countries.⁸¹ It is, however, important to note that even in the heyday of welfare capitalism and in the most affluent countries, not every human being benefited equally from this model. Worker citizenship was both gendered and raced, leaving those who were not white, and/or not men, standing more precariously both as workers and as citizens.⁸² Meanwhile, migrant workers did not all earn the 'social rights' that supposedly guaranteed worker citizens an acceptable exit from the cash nexus.⁸³ Since the 1990s (which is to say, during the period in which concerns about 'modern slavery' have grown), the pursuit of neo-liberal economic reforms has further diminished the populations that enjoy the protections once viewed as necessary to simultaneously accommodate a market in labour-power and the political fiction of universal

freedom and equality for non-commodifiable human subjects. In both the affluent and the developing world, social protections from the labour market have been eroded and/or made even more directly conditional on participation in paid employment, while the pursuit of 'flexible' labour markets through de-regulation and privatisation policies has loosened the constraints on employers' abilities to treat labour power as a commodity like any other.⁸⁴

It is amongst the populations at the sharp end of these policies that many of those dubbed 'modern slaves' by the new abolitionists are to be found. What are described as 'worst forms of child labour', 'bonded labour', and 'forced labour' typically affect those who, lacking any and all social protection, accept work in the informal sectors that flourish under neo-liberal economic regimes. Because these sectors are non-unionised and unregulated, securing a decent employer who honours the terms of the contract and refrains from cheating, beating or otherwise abusing workers is a matter of luck.⁸⁵ In some cases, the lack of social protection and inability to either quit or seek redress against a violent or abusive employer links to an illegalized immigration status, or for internal migrants, to an inability to access rights of citizenship. But to return to a point made earlier, authorized migrant workers can be equally vulnerable in the 'hidden abode of production'. Immigration and employment law can operate in tandem to disadvantage workers, as is the case, for instance, for migrant domestic workers who are simultaneously forced into dependence on an employer-sponsor for their immigration status, and excluded from protections afforded to workers in other sectors under labour law. In fact, as a recent volume edited by Catherine Costello and Mark Freedland makes clear, migration law impacts on labour rights, and the regulation of migration increasingly impacts on employment and labour relations.⁸⁶ Vulnerability to being treated as a 'thing', in the sense of being controlled and used as but an instrument to further another's ends, is not an inherent quality of individual migrants or workers, nor is it a necessary outcome of the commodification of labour power. It is legally, socially and politically constructed.

In the case of both Atlantic slavery and wage labour, human beings or their capacity to labour are only represented as commodities for purposes of contractual exchange (and in the case of slavery, sometimes also accounting, taxation, securing credit, and so on). The commodity exchange does not literally make a 'thing' of the human being or their labour power, but rather initiates a hierarchical relationship between the slave or worker and the slaveholder or employer, and one in which the powers that can be exercised over the former by the latter are granted or limited by the state. The difference is that in the case of slavery, the moment of commodity exchange (which is to say the moment at which the human being was configured as a 'thing') was either made possible by, or led to, the attribution of slave status, with all that this implied in terms of her or his disfiguration as a 'person'.

Beyond the New Abolitionism

Before making a concluding remark about the implications of the above discussion of the persons/things dichotomy for those who are today concerned about the coercive exploitation of people who see no choice but to remain in that appalling situation, there is another powerful and disturbing illustration of the double character of slaves in Atlantic slave societies to consider. In New Orleans in 1834, a fire broke out

at a mansion belonging to Dr Louis Lalaurie and his wife Delphine. Neighbours who arrived to assist broke into locked upper chambers where they discovered seven horrifically mutilated people. The victims were slaves belonging to the Lalauries, and Delphine Lalaurie was subsequently discovered to have tortured and murdered many more men, women and children. Since it graphically revealed the barbarity made possible by the institution of slavery, antislavery publications paid a great deal of attention to this case. What is more surprising, at least if we start from the assumption that slaves were legally constructed merely as things and socially regarded as dehumanized objects by slaveholding communities, is first, that Delphine Lalaurie violated Louisiana's civil code on slavery in her treatment of her slave property, article 173, chapter 3 of which states that "[t]he slave is entirely subject to the will of his master who may correct and chastise him, though not with unusual rigor, nor so as to maim or mutilate him, or to expose him to the danger of loss life, or to cause his death";⁸⁷ and second, judging from news reports of the case, it appalled white slaveholding society as much as antislavery thinkers. Indeed, free citizens of New Orleans, both white and 'of colour' were so outraged by the Lalauries' depravity and the absence of any legal suit against them under this law, that they mounted the city's first riot to exact revenge upon the Lalauries' home.⁸⁸

Courtney Baker draws attention to the rioters' symbolic rejection of the Louisiana 1825 Civil Code, which 'defines slaves as "immovables" akin to "[l]ands and buildings, or other constructions... [that] are immovable by their nature"' and 'effected a reality in which enslaved persons "were bound by the same rules governing any transfer of real estate in the state"'. In their concerted efforts to destroy the mansion and its contents (the Lalauries had by then already fled New Orleans), Baker argues, the rioters 'enacted a radical distinction between enslaved beings and immovable property'. However, we might equally say that this distinction already existed in the contradiction between the Civil Code's construction of the slave as property, and of the slaveholder's obligations to refrain from maiming, mutilating or murdering him or her. There was nothing in the same code to prevent a property holder from dismantling or otherwise destroying a building or other construction. The slave was simultaneously a person that was not fully figured as a person, and a thing that was not fully figured as a thing. Proslavery thinkers – in the main – wished to maintain that legal and social ambiguity. Its minimal acknowledgment of the humanity of the enslaved affirmed the humanity of the slaveholder.

The relevance of this for discourse on contemporary 'slavery' becomes clear if we focus on the fact that, since states no longer attribute slave status, those who today find themselves trapped in situations of coercive exploitation generally find themselves in that position because they have been attributed one of the statuses that disfigure personhood in contemporary societies, or because the legal and social regimes surrounding the commodification of labour leave them unprotected, and/or because the interaction between the construction of both 'persons' and 'things' leaves them especially unable to assert the rights that others might claim as either citizens or workers. These legal exclusions and regimes do not automatically mean that any individual who falls foul of them will be denied wages, violently restrained, raped, or tortured by those who exploit their labour power. Just as there was a

continuum of experience amongst the enslaved in the US historically, ranging for Ned Hyman's at one end through to the victims of Delphine Lalaurie at the other, so today the experience of those who are refused full socially recognised personhood and/or protections within and against the labour market spans a wide spectrum.

It is surely the case that politicians of all political hues are appalled by cases at the most violent and abusive end of this spectrum, the cases that new abolitionists use to publicise their cause. There is no reason to suspect that figures like Theresa May are unmoved by cases in which children or women suffer the kind of prolonged torture endured by 12 year old Maria, mentioned at the start of this article, for example. In fact, the moral outrage that leads May to characterise such cases as a 'barbaric evil' that must be eliminated from society is doubtless as sincerely felt as was that of the many white slaveholders in New Orleans who expressed horror and disgust at Delphine Lalaurie's sadistic and murderous violence against her slaves. The point, however, is that the latter could condemn particular individuals who took pleasure in torturing their slaves without also condemning the legal institution of slavery which, by giving the enslaved a bifurcated existence as both person and thing, left all slaves potentially vulnerable to such violation. Likewise, politicians like Theresa May can today pour moral condemnation upon individuals who take advantage of the powerlessness of their victims in order to subject them to the most egregious violence and exploitation, without also condemning the laws that disempower the victims. In fact, such politicians are frequently committed to strengthening the laws that strip workers of rights that protect their human worth when they commodify their labour power, and that disfigure many migrants as persons. Most ironic of all, the immigration and border controls that cost lives and create vulnerability are frequently justified as necessary to the task of combatting 'human trafficking and modern-day slavery'.⁸⁹

The new abolitionism, like the popular European abolitionist movement of the eighteenth century, mobilizes sentimental sympathy. The problem with such sentimentality, Lynne Festa notes, is that it operates on a selective basis, and 'the subject produced by sentimental antislavery is granted only a diluted form of humanity grounded in pain and victimhood, a humanity that is only as enduring (or as fleeting) as the recognition of the metropolitan subject who bestows it'.⁹⁰ Today's new abolitionist organizations invite a privileged, mostly Western, audience to identify with those who would otherwise be regarded as racially, culturally, socially or sexually distant Others (the bonded brick kiln worker, the temple slave, the restavec, the migrant domestic worker, the prostitute) on the basis of their suffering. Again, this allows for highly selective forms of recognition. In relation to migration, for instance, the new abolitionists mobilize concern for the suffering of those deemed to be 'victims of trafficking', but not for the suffering of those migrants who die as a consequence of border controls, or who are locked into detention centres, or who are forcibly separated from children and loved ones by deportation.

Moreover, when the suffering of the so-called 'modern slave' is abstracted from the legal, political and economic structures in which it takes place, we are left with a simple moral vision of a wicked individual 'trafficker' or 'slaver' who has reduced another human being to but a 'thing'. Indeed, it is precisely because the 'modern slave' is imagined in abstraction from the structural inequalities that preserve the

interests of the powerful and privileged that global political and business elites can happily bang the new abolitionist drum. Those who seriously wish to challenge the phenomena discussed under the heading 'modern slavery', as well as other, equally grave restraints on human freedom in the contemporary world, need to rethink the taken-for-granted assumption that slavery's essential and unique wrongness lay in its reduction of persons to things. The more complicated and processual histories in which Atlantic world slavery simultaneously configured human beings as both person and thing, and neither person nor thing, have far greater relevance and much more important lessons for such a political project.

¹ 'Obama: US will work to end slavery worldwide' *The Oval* (Washington, 15 March 2012) <<http://content.usatoday.com/communities/theoval/post/2012/03/obama-us-will-work-to-end-slavery-worldwide/1#.V2Kar6WvuFJ>> accessed 20 May 2016; Oliver Milman, 'Obama to sign law banning US imports of fish caught by slave labor' (*The Guardian* 16 February 2016) <<https://www.theguardian.com/us-news/2016/feb/16/obama-ban-fish-imports-slavery>> accessed 17 February 2016; Australian Government Attorney-General's Department 'Human trafficking and slavery legislation' <https://www.ag.gov.au/CrimeAndCorruption/HumanTrafficking/Pages/Human-trafficking-legislation.aspx> > accessed 10 August 2016

² Australian Freedom Network, 'Joint Declaration: A United Faith Against Modern Slavery' (Global Freedom Network, 2 December 2015) <<http://www.globalfreedomnetwork.org>> accessed 6 August 2016

³ Nick Grono, "'The greatest human rights issue of our time": Theresa May commits to UK leadership on slavery' (*The Freedom Fund*, 1 August 2016) <<http://freedomfund.org/blog/theresa-may-commitment/>> accessed 6 August 2016

⁴ George Bourne, *A Condensed Anti-Slavery Bible Argument: By a Citizen of Virginia* (S. W. Benedict 1845) 7

⁵ Saidiya Hartman, *Scenes of Subjection* (Oxford University Press 1997)

⁶ Water Cooperation, UN Waterday 2013, <<http://www.unwater.org/water-cooperation-2013/water-cooperation/facts-and-figures/en/>> accessed 10 August 2016; World Food Programme, 'Hunger Statistics' (2016) <<https://www.wfp.org/hunger/stats>> accessed 10 August 2016; World Health Organization, Global Health Observatory Data: Under 5 Mortality (2016) <http://www.who.int/gho/child_health/mortality/mortality_under_five_text/en/> accessed 10 August 2016; UNHCR, 'Worldwide displacement hits all-time high as war and persecution increase' (18 June 2015) <<http://www.unhcr.org/uk/news/latest/2015/6/558193896/worldwide-displacement-hits-all-time-high-war-persecution-increase.html>> accessed 10 August 2016

⁷ Julia O'Connell Davidson, *Modern Slavery: the Margins of Freedom* (Palgrave Macmillan 2015)

⁸ Kevin Bales and Ron Soodalter, *The Slave Next Door* (University of California Press 2009) 3-5

⁹ Kevin Bales, 'How to combat modern slavery' *TedX* (2010) <https://www.ted.com/talks/kevin_bales_how_to_combat_modern_slavery/transcript?language=en> accessed 20 May 2016

¹⁰ Kevin Bales, 'Defining and Measuring Modern Slavery' (*Free the Slaves*, 2007) <<https://www.freetheslaves.net/Document.Doc?id=21>> accessed 28 January 15

¹¹ Kevin Bales, 'Slavery in its contemporary manifestations' in Jean Allain (ed.) *The Legal Understanding of Slavery* (Oxford University Press 2012) 283-4

¹² Jean Allain, *The Legal Understanding of Slavery* (Oxford University Press 2012) 376

¹³ *Ibid*, 376

¹⁴ Nicholas Rinehart, 'The Man that was a Thing: Reconsidering Human Commodification in Slavery' (2016) *Journal of Social History*, 1

¹⁵ *Ibid*, 4

¹⁶ Owners with fewer than ten slaves constituted around three-quarters of all slaveholders in Texas in 1850, for example, see Mark Carroll, *Homesteads Ungovernable: Families, Sex, Race, and the Law in Frontier Texas* (University of Texas Press 2010) 59

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- ¹⁷ See Watson Jennison, *Cultivating Race* (University Press of Kentucky 2012) and Gwendolyn Midlo Hall, *Africans in Colonial Louisiana* (LSU Press 1998)
- ¹⁸ Julia O'Connell Davidson, *Ibid*
- ¹⁹ Richard Price, *Maroon Societies: Rebel Slave Communities in the Americas* (The John Hopkins University Press 1979)
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